

REMARKS

Status of the claims

Claims 17 and 18 are amended to correct minor informalities and put the claims in better form. Claim 37 has been amended as suggested by the Examiner. Claim 41 is amended to include the features of (now-cancelled) claim 42. Claim 44 is new. Support for the amendments can be found throughout the application as originally filed. No new matter has been added.

Claims 21-30, 33-36, 38-40, 42 and 43 have been cancelled without prejudice or disclaimer of the subject matter thereof.

Therefore, upon entry of this amendment, claims 16-18, 20, 37, 41 and 44 are pending in the application and are under consideration.

Applicants note with appreciation the indication in the Office Action that claims 16-18, 20, 41 and 42 are allowed. Applicants request further consideration of the application in view of the amendments and remarks presented herein.

Interview Summary

Applicants thank Examiner Solola for the courtesy of telephonic interviews conducted with Applicants' undersigned representative on May 4 and June 23, 2010 (the "Interviews"). During the Interviews, the cancellation of certain claims, proposed amendments to claim 37, and the Information Disclosure Statement (IDS) filed December 19, 2009, were discussed. No final agreement was reached.

Rejection of claims under 35 U.S.C. §101

In the Office Action, claims 23-30 were rejected under 35 U.S.C. §101, as allegedly lacking patentable utility. This rejection is traversed.

Without agreeing with this rejection, Applicants point out that claims 23-30 have been cancelled. The rejection of claims 23-30 is therefore moot.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Rejection of claims under 35 U.S.C. §112, first paragraph

In the Office Action, claims 21-30, 33-40 and 43 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement and/or for lacking an enabling disclosure. This rejection is traversed.

Without agreeing with this rejection, Applicants point out that claims 21-30, 33-36, 38-40, and 43 have been cancelled. The rejection of claims 21-30, 33-36, 38-40, and 43 is therefore moot.

As to claim 37, Applicants contend that pending claim 37 fully complies with the written description and enablement requirements. Pending claim 37 is directed to a method for treating a mammal suffering from Schizophrenia, Delusional Disorder, Schizoaffective Disorder, or Schizophreniform Disorder. Applicants contend that one of ordinary skill in the art would appreciate that Applicants were in possession of the claimed subject matter at the time the application was filed. Moreover, Applicants contend that the specification provides an enabling disclosure of the claimed subject matter of pending claim 37. As discussed in the Interviews, Applicants submit that pending claim 37 complies with all requirements of 35 U.S.C. §112. Applicants further submit that new claim 44, which depends from claim 37, also complies with all requirements of 35 U.S.C. §112.

Reconsideration and withdrawal of the rejections is proper and the same is requested.

Rejection of claims under 35 U.S.C. §112, second paragraph

In the Office Action, claims 23-30 and 43 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. This rejection is traversed.

Without agreeing with this rejection, Applicants point out that claims 23-30 and 43 have been cancelled. The rejection of claims 23-30 and 43 is therefore moot.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Resubmittal of Information Disclosure Statement by Applicant (Form SB/08)

The Office Action indicated that citations CF and CG of the Form SB/08 filed on December 21, 2009, were not considered because no publication date was provided. Applicants submit herewith a revised Form SB/08 listing those two citations with publication dates (copies of the two citations were provided with the submission of December 21, 2009). In addition, as discussed with the Examiner during the Interviews, a concise explanation of relevance of citation CF (Opposition filed on behalf of Sanofi-Aventis) was provided in the paper titled "Supplemental Information Disclosure Statement (IDS)" filed on December 19, 2010 (see the paragraph bridging pages 1-2). It is believed that no additional fee is due.

Applicants request that the Examiner consider the references cited and return an initialed copy of the attached Form SB/08 to Applicants with the next Office Action or Notice of Allowance.

Conclusion

For at least the foregoing reasons, Applicants contend that the application is in condition for allowance. Early and favorable consideration of the application is earnestly solicited. If the Examiner considers that obstacles to allowance still exist, the undersigned invites the Examiner to contact him at the telephone number given below.

Applicants conditionally request any extension of time necessary for consideration of this response. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Reference No. 65517 (71251), Customer No. 21874.

Dated: June 30, 2010

Respectfully submitted,

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